

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**CLYDE S. KING and
DIANE V. KING, on behalf of themselves
and all others similarly situated,**

Plaintiffs,

v.

UNITED SA FEDERAL CREDIT UNION,

Defendant.

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CIVIL ACTION NO.

SA-09-CV-0937 NN

ORDER CONCERNING SETTLEMENT

This order responds to the parties' joint advisory that they have settled this lawsuit.¹ In the advisory, the parties asked for a hearing under Rule 23(e)² for approval of their settlement. Rule 23(e) requires the court to approve the settlement of the claims, issues, or defenses of a certified class.³ No class was certified in this lawsuit; consequently, no authority exists for court approval of the parties' settlement agreement. The request for a hearing (docket entry # 17) is denied as moot.

The court congratulates the parties and their attorneys for amicably resolving their dispute without minimal court intervention. In light of the parties' announcement, all pending motions are denied without prejudice, subject to reurging should the parties fail to consummate by written agreement a settlement of their dispute.

¹Docket entry # 17.

²Fed. R. Civ. P. 23(e).

³Fed. R. Civ. P. 23(e) ("The claims, issues, or defenses of a certified class may be settled, voluntarily dismissed, or compromised only with the court's approval.").

The parties are directed to file a stipulation of dismissal or other appropriate document to close this case by June 10, 2010.

SIGNED on May 28, 2010.

A handwritten signature in black ink, reading "Nancy Stein Nowak", is written over a horizontal line.

NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE